

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28532-2022
Date of Decision: 16.09.2022

VICKY AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rajesh Duhan, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Gurmeet Kaur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.0007 dated 11.01.2020 under Sections 406 and 498-A IPC registered at Police Station Women, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.07.2022, the parties were directed to get their statements recorded before the learned trial Court.

In compliance of the order dated 07.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Patiala, has sent the report and the relevant portion whereof reads as under:-

“5.After that, ASI Baljinder Singh, No.1413/PTA Police Station Women, Patiala has suffered statement that in the present case Vicky, Harwinder Singh, Ram Pal @ Pali and Ranjeet Kaur are the accused except the above said there is no other accused in this FIR. Neither of the accused have been declared as proclaimed offender/person nor any proclamation

proceedings are pending against them. Both the parties have recorded their statements regarding the compromise.

6.From the statements of the parties recorded, it appears that the said compromise is correct and genuine and has been effected voluntarily without any force, coercion or undue influence and any fraud or misrepresentation and out of free will of the parties.

7.Further trial Court is to submit a report containing the following information:-

As per the statement of Investigating Officer has submitted that neither of the accused have been declared as proclaimed offender/person nor any proclamation proceedings are pending against them.”

Learned counsel for the petitioners contend marriage of petitioner No.1 was solemnized with respondent No.2 on 25.11.2018 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 02.02.2022 passed by the Court of learned Additional Principal Judge, Family Court Patiala (Camp Court, Samana). The custody of minor child shall remain with petitioner No.1. Respondent No.2 has received all her articles of *istridhan*. She had also received the amount of permanent alimony and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the FIR is quashed.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as

to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.0007 dated 11.01.2020 under Sections 406 and 498-A IPC registered at Police Station Women, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

16.09.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No